



National Principles to Address Coercive Control

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Submitted to:

Attorney General's Department

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Introduction

Lived Experience Australia is a national representative organisation for Australian mental health consumers and carers, formed in 2002 with a focus on the private sector. All members of our board and staff have mental health lived experience as either a consumer, family carer or both. Our core business is to advocate for systemic change to improve mental health care across the whole Australian health system. This includes advocating for empowerment of consumers in the broad range of issues that impact their mental health, empowering consumers in their own care and contact with health and social services, promoting engagement and inclusion of consumers and carers within system design, planning and evaluation and most importantly, advocating for consumer choice and family and carer inclusion and wellbeing.

Our Submission comes from the perspectives and experiences of people with lived experience of mental health issues, their families, and carers. We welcome the opportunity to provide our comments to the Attorney General's Department on this important topic of coercive control.

Level of agreement with the following statements

The draft National Principles effectively describe the common features of coercive control.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

The draft National Principles effectively describe the impacts of coercive control.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

The draft National Principles effectively describe the key issues associated with a lack of understanding of coercive control.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

The draft National Principles effectively describe the impact of discrimination and inequality in the context of coercive control.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

The draft National Principles effectively describe the importance of listening to and working with victim-survivors of family and domestic violence.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

The draft National Principles effectively describe the key elements needed to effectively address coercive control.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

The draft National Principles effectively describe the key issues to consider when deciding whether or how to criminalise coercive control.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

The draft National Principles effectively describe the potential unintended consequences of criminalisation.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

The draft National Principles are inclusive of a diverse range of experiences and voices.

- Strongly Agree
- Agree
- Neither Agree or Disagree
- Disagree
- Strongly Disagree

Further information about responses

National Principle 1: Common features

I think it would be useful to include a clear statement under this principle about the intended purpose of coercive control by the perpetrator. You mention the words ‘power and dominance’ but I believe stronger wording from the person’s perspective are needed, related to the fear that it is deliberately designed to instil in them, leaving them powerless, and also the deliberate and systematic cutting off of the person from their natural supports (friends and family), often over a long and grinding period of time, gradually ‘breaking them down’. The seriousness of coercive control is not fully reflected in the current dot points. I acknowledge that you have a dedicated principle on impacts; however, I believe the perpetrator’s intended purpose of using coercive control should be more fully understood as a key common feature.

Also, by its nature, coercive control can often be **hidden**, and perpetrators can go to great lengths to hide their threatening behaviour towards the person when around others in the family or community. This is a key feature of their manipulation of the environment around the person and is key to perpetuation of coercive control.

National Principle 2: Impacts

I think you could also consider mentioning adverse impacts on **autonomy** and ability to make decisions. More could be said about the intention being to strip the person of their identity. This, along with the impacts you have mentioned form a complex interplay specifically designed to disconnect the person from outside supports and stifle help-seeking. You allude to this in the point about victim-survivors being trapped in relationships. I think this could be unpacked more.

I also think it is important to make some statement about impacts ‘after’ the person has escaped from the coercive control relationship, both positive and negative. My experience is that some people thrive in surviving and have newfound aspirations but can continue to experience post-traumatic stress that may only be fully realised once the person is safely out of the coercive

environment. On that note, the word ‘trauma’ is virtually absent from the principles. My experience is also that others may experience adverse impacts on their self-esteem and mental health for many years, including ongoing cycles of relationships with abusive partners or others. I also note that there is no inclusion of the impact of coercive control on trust in others, more broadly. Linked to my comments in the first principle about coercive control being ‘hidden’, victims are made to doubt themselves and losing trust in themselves and others, and to remain ‘dependent’ on the perpetrator, to be made to feel that is they who have ‘the problem’, or made to feel that they are ‘mad’; all deliberately part of the perpetrator’s intended purpose of ‘gaslighting’ the victim. Recovery from coercive control can therefore take a long time, needs dedicated trauma-informed support and healing to occur.

Also, I note that help-seeking is mentioned in Principle 3; however, I believe it is important to note somewhere in the impacts how victims feel ‘unsafe’ to seek help.

National Principle 3: Community understanding

The final statement in this section that ‘All jurisdictions recognise and are actively responding’ needs to be qualified or deleted. I believe this statement is not currently correct and I believe many others with lived experience of coercive control would agree. The purpose of the statement is also unclear here.

National Principle 4: Effects of discrimination and inequality

I note that there is no mention of how practices, policies and behaviours with organisations, institutions and communities can impact the perpetrator’s experience and perpetuation of coercive control! Gendered structural inequalities in workplaces, organisational cultures, rates of pay and access to opportunities are examples in our society that send clear messages to perpetrators that may inadvertently condone their behaviours and attitudes.

I also think it is important to say something about how structural inequalities can disempower victims even further, reinforcing their sense of betrayal and distrust in system to hear and see what they are actually experiencing with coercive relationships. In some contexts, gendered or cultural assumptions can be so endemic that systems can be ‘enabling’ to perpetrators and complicit.

National Principle 5: Lived experience

This principle seems very under-developed. More could be said about being mindful of how people are asked, what support they are given to tell their story safely, including the trauma-informed training of others who are part of this process.

National Principle 6: Coordinated approach to prevention, early intervention, response and recovery

I think workplaces, schools, sporting communities, etc should be mentioned as examples of contexts that have a role to play in supporting the safety of victims, and particularly accountability of perpetrators.

This section seems to lack a sense of the important role of working ‘with’ the victim; it feels like they are the ‘object’ of the coordinated approach. Also, part of the problem is that bureaucracies can be difficult to navigate, and people can be overwhelmed easily, particularly if they are survivors of coercive control.

National Principle 7: Criminalisation of coercive control

I believe there should be a clearer and more consistent national approach to determining whether coercive control is dealt with or deemed to be a criminal offence. If left to individual jurisdictions,

there could be unintended adverse consequences for victims. Perpetrators could isolate the person by removing them from one jurisdiction to another to avoid the law, or victims could become lost to any services as a result of inconsistencies and a sense that nothing can be done, and their claims not being taken seriously, depending on jurisdiction.

A specific example comes to mind here of a woman in her 60s who was admitted to a state locked mental health facility in extreme distress. It was 'discovered' by the treating team that her husband had previously systematically 'hunted her down' across 4 jurisdictions over several years to thwart her attempts to escape his coercive control. The only place that she felt she would be safe from him was a locked psychiatric ward. She had approached many services in other jurisdictions, with variable response. He was never charged during that time. He eventually murdered her.

National Principle 8: Unintended consequences of criminalisation

I think more should be said in this section about later risks to the person, including threats and the potential for perpetrators to seek retribution.

Suggestions as to how governments could promote the final National Principles to increase awareness and understanding of coercive control

I think a variety of strategies are needed, including broad media advertising and grassroots efforts in eg. sporting clubs and at similar community level environments. When groups own the problem themselves and feel enabled to set positive expectations for their members, issues like coercive control are hopefully minimised. Any efforts that help build self-worth, especially in young people are important, especially young women and girls; so distributing information about the principles in schools and on social media where young people see them are likely useful. Addressing bullying is likely to have positive impacts, given many perpetrators may themselves have been bullied in their earlier years or failed to have positive role models in their lives. So linking this topic with efforts to address bullying may be of value too.

Further feedback on the draft National Principles

There appears to be little linkage of ideas beyond the individual victim. Children and the harms to them, and cumulative impacts for them, don't appear to be mentioned in any of the principles.

Contact

We thank the Attorney General's Department for the work that has gone into the development of these National Principles and wish you every success with the next steps in their development. We would be keen to discuss further, any clarification or issues raised here with you.

Please contact us on:

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